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Attorney for Plaintiffs

FILED

AUG -1 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ALISE MALIKYAR, ROBERT JACOBSEN)

Case #3:07-CV-03533-WHA

Plaintiffs,

vs.

PLAINTIFFS' INITIAL
DISCLOSURES PURSUANT TO
F.R.C.P. 26(a)(1)
and (2)

JOHN SRAMEK, BERNADETTE SRAMEK)
HAROLD M. JAFFE, JOHN S. SRAMEK)
AND BERNADETTE SRAMEK REVOCABLE)
LIVING TRUST AND DOES 1 TO 100,)
INCLUSIVE,)

Defendants

/

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:


Pursuant to F.R.C.P. Rule 26 (a)(1) and without waiving
any discovery requests and/or any of the applicable objections,
Plaintiffs herein are making the following initial disclosures:

Please refer to Plaintiff Alise Malikyar's previous
Initial Disclosures of October 4, 2007 which are fully
incorporated herein and are attached herewith as Exhibit 1 for
your reference.

Plaintiff reserves the right to amend the same once
additional witnesses, including expert witnesses and/or
evidence are identified and/or located.

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Dated: July 31, 2008 Signed:


Svetlana V. Couture
Attorney for Plaintiffs

PROOF OF SERVICE

Malikyar, Jaconsen v. Sramek, Sramek, Jaffe et al

U.S. District Court

Northern District Case #: 07-CV-03533-WHA

I, the undersigned, declare sa follows:

I am a citizen of the United States and I am over the age of eighteen years and not a party to the within action. My business address is 418 Third Street, Suite 101, Oakland, CA 94607.

On the date set forth below I served the within:

**PLAINITFFS' INITIAL DISCLOSURES PURSUANT TO
F.R.C.P. 26(a) and (b) along with Exhibit 1**

on all interested parties by the following manner:

 x U.S. Mail. By placing for collection and mailing, following ordinary business practices at my place of business, a true and correct copy thereof, in the sealed envelope with first-class postage thereon fully prepaid, and addressed as set forth below.

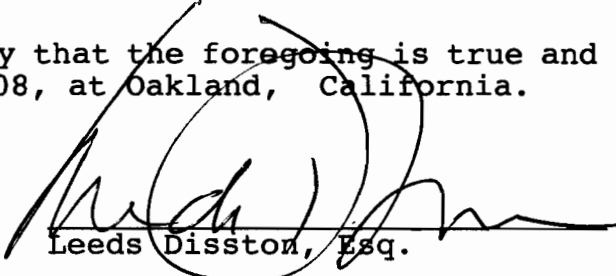
 By personally serving the above entitled documents on the parties to this action by causing a true and correct copy thereof to be hand delivered to the offices and/or addresses of the person(s) set forth below during regular business hours on the date as set forth below.

 Telecopy via fax transmission a true and correct copy thereof as set forth below from facsimile no. (510)835-1719 to the parties and fax numbers listed below, AT A./P.M. ON , 2008.

HAROLD M. JAFFE, individually and on behalf of:
JOHN SRAMEK, BERNADETTE SRAMEK and JOHN S. SRAMEK
AND BERNADETTE SRAMEK REVOCABLE LIVING TRUST
3521 Grand Avenue
Oakland, CA 94610

/

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 31, 2008, at Oakland, California.


Leeds Disston, Esq.

1 Alise Malikyar
In Pro Per
2 P.O. Box 1386
Lafayette, California 94549
3 Phone: 925 899-9890
Fax: (407) 209-2126
4
5
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 ALISE MALIKYAR,

Case No. C07-03533

12 Plaintiff,

13 vs.

**PLAINTIFF ALISE MALIKYAR'S
OBJECTION AND INITIAL
DISCLOSURES PURSUANT TO F.R.C.P.
26(a)(1)**

14 JOHN SRAMEK, BERNADETTE
SRAMEK, HAROLD M. JAFFE, John S.
15 Sramek, Jr. and Bernadette Sramek
Revocable Living Trust and DOES 1 to
16 100,

17 Defendants.
18

19 TO ALL PARTIES and their attorneys of record:

20 Plaintiff ALISE MALIKYAR objects to initial disclosures on the grounds that Defendants
21 have failed to meet and confer prior to the deadline set forth by F.R.C.P. 26(a)(a) and the Court's
22 Orders of July 6, 2007 and August 6, 2007.

23 Without waiving the objection, Plaintiff makes the following disclosures:

24 **A. Disclosure of Witnesses Presently Known**

- 25 1. Alice Malikyar, Plaintiff, information set forth above;
26 2. Robert Jacobsen. P.O. Box 1386, Lafayette, CA 94549. Has knowledge of the
27 wire-tapping incident of Plaintiff's residence, and of Plaintiff's general damages;
28 3. Mr. James O. Spencer, AT&T, 2745 Cloverdale Ave, Concord, CA 94518: Has

1 knowledge of Plaintiff's telephone line and service during the relevant time period;

2 4. Deputy T. Burke, Contra Costa County Sheriff's Department. 150 Alamo Plaza,
3 Alamo, CA 94507. Has knowledge of the investigation regarding Plaintiff's telephone being
4 wire-tapped.

5 5. Sgt. Andre Charles, Contra Costa County Sheriff's Department. Address and
6 telephone number presently unknown. Has knowledge of the investigation regarding Plaintiff's
7 telephone being wire-tapped.

8 6. Donna Allen, Contra Costa County Community Development Department. 651
9 Pine Street, N Wing, 2nd Floor, Martinez, CA 94553. 925 335-1210. Has information regarding
10 the status of Plaintiff's property that is the subject of the Defendants' prior lawsuit against
11 Plaintiff.

12 7. Angel Avery. North American Title Insurance Company, 1605 Tice Valley Blvd.
13 Walnut Creek, CA 94595. Has information regarding Plaintiff's escrow account and
14 communication regarding the account.

15 8. Stacy Adams. Realty Services Network, 1327 N. Main Street, #111, Walnut Creek
16 94596 (925) 930-6300. Has information regarding the confidentiality of escrow information on
17 the Tice Valley transaction.

18 9. Paul Chastain. Coldwell Banker Real Estate, 5 Moraga Way, Orinda, CA 94563,
19 (925) 253-4600. Has information regarding releasing of escrow information on the Tice Valley
20 transaction..

21 10. Jeanne Pero, 2326 Tice Valley Blvd., Walnut Creek, CA 94595. Has information of
22 seeing persons sneaking around Malikyar property.

23 11. Jeanne Pero's sister Joanne. Her full name will be determined. 2326 Tice Valley
24 Blvd., Walnut Creek, CA 94595. Has information of seeing persons sneaking around
25 Malikyar property.

26 12. Gail Smith, 8521 Grand Ave, Oakland, CA . Has information regarding the attaining
27 of the escrow number and which title company that was used in the Tice Valley
28 purchase.

13. Coldwell Banker Real Estate, person most knowledgeable. Has knowledge of the internal policies within Coldwell Banker as to the release of information about an open escrow.
14. Michael Alberson, 1150 Hamilton Lane, Escondido, CA 92029, (760) 415-9922. Has information regarding statements made by Horold Jaffe.
15. Daniel Kelleher, 1655 N. Main St., Walnut Creek, CA 94596, (925) 280-1250. Has information regarding statements made by Harold Jaffe
16. Thomas Gorrell, 401 W. A Street, Suite 1770, San Diego, CA 92101, (619) 237-0650. Has information regarding statements made by Harold Jaffe.
17. North American Title Insurance Company, person most knowledgeable. Has information as to company policy and fiduciary responsibility of the company.

B. Documents Presently Known

1. Contra Costa County Sheriff's Department report of the incident. Report number 07-11799. Plaintiff has a copy.

Relief

Plaintiff seeks to recover for her pecuniary losses as the result of the wiretapping and lis pendens that blocked the sale of her residence. Plaintiff calculates this amount as follows:

\$11,561,009.39

Plaintiff also seeks punitive damages in an amount to be determined.

C. Damages Computation

As set forth in her Initial Case Management Conference Statement, Plaintiff claims the following general and special damages.

Plaintiff seeks to recover for her pecuniary losses as the result of the lis pendens that blocked the sale of her residence. Plaintiff calculates this amount as follows:

Commissions on house located <u>2324 Tice Valley Blvd, Walnut Creek, CA</u>	\$96,750.00
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Monthly loss on Tice Valley house (holding cost)

Tax	795.47
Ins	97.75

Greenpoint	3575.78	
Wells Fargo	1723.05	
Coast Cap	1600.00	
Total PITI	7792.05	
Rent offset	<3200.00>	
Net loss	4592.05 (for 6 months ending Oct. 27, 2007)	\$27,552.30

Loss of approved \$1,000,000 loan leading to a 1% increase in interest rate = \$236,707.09

Lost profit on the Vista Bella house. \$200,000.00

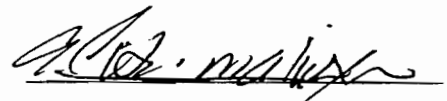
Subtotal of hard loss **\$561,009.39**

Plaintiff also seeks to recover general damages for the fear and anxiety the violation of her attorney-client confidentiality, in the amount of **\$11,000,000.00.**

Sub-Total **\$11,561,009.39**

Plaintiff also seeks punitive damages in an amount to be determined.

Dated: October 4, 2007


ALISE MALIKYAR

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Harold Jaffe
3521 Grand Ave
Oakland, CA 94610

2. Article Number
 (Transfer from service label)

7005 1820 0006 9488 5201

1025 PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☐ Addressee

B. Received by (Printed Name) *[Signature]* C. Date of Delivery *10-08-07*

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes